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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 STORUS CORPORATION,

No. C-06-2454 MMC

12 Plaintiffs,

**ORDER DENYING DEFENDANTS'
REQUESTS TO STRIKE AND FOR NEW
SCHEDULE**

13 v.

14 AROA MARKETING, INC., et al.,

15 Defendants
16 _____/

17 On February 19, 2008, plaintiff filed a purported "Joint Final Pretrial Statement,"
18 which, in fact, is a unilateral document signed only by plaintiff; that same date, plaintiff also
19 filed a set of plaintiff's proposed instructions. On February 20, 2008, defendants filed a
20 document titled "Defendants' Objections to Plaintiff's Attorney's Failure to Abide by Court's
21 Pre-Trial Instructions; Request to Strike Plaintiff's Pre-Trial Order [sic] and Jury
22 Instructions; Request for New Schedule for Joint Pre-Trial Statement and Jury
23 Instructions," by which defendants seek an order striking the above-referenced unilateral
24 filings by plaintiff and to continue the Pretrial Conference and the trial for sixty days. On
25 February 21, 2008, plaintiff filed a response thereto; on February 22, 2008, defendants filed
26 a reply.

27 Needless to say, the parties' failure to follow the Court's Pretrial Preparation Order,
28 specifically, the failure to file an actual "Joint" Pretrial Statement and a set of proposed joint

1 instructions, makes the Court's preparation for the February 26, 2008 Pretrial Conference
2 unnecessarily difficult. Putting aside the issue of which party is more to blame for the
3 parties' failure to comply with Court's Pretrial Preparation Order, the Court finds insufficient
4 cause exists to strike plaintiff's unilateral filings and to continue the Pretrial Conference and
5 trial for sixty days. Accordingly, defendants' requests to strike plaintiff's filings and to
6 continue the matter are hereby DENIED.

7 At the Pretrial Conference, the Court will reset the deadline for the parties to file a
8 set of joint instructions, will set a deadline for the filing of any other documents the Court
9 may need to prepare for the trial, and will consider whether sanctions should be imposed
10 for the parties' failure to comply with the Court's Pretrial Preparation Order.

11 **IT IS SO ORDERED.**

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13 Dated: February 22, 2008


MAXINE M. CHESNEY
United States District Judge